

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SCOTT EDWARD POTTER,
Plaintiff,

v.

CHUCK G. CHALIFOUX, ET AL.,
Defendants.

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CASE NO. 4:07cv370


**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND
DISMISSING CASE WITHOUT PREJUDICE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 13, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that this case be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, this case is DISMISSED WITHOUT PREJUDICE pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

SIGNED this 17th day of July, 2008.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE